

CR 23. CLASS ACTIONS

(a) through (e) [Reserved].

(f) Format and Time Limits. In any case sought to be maintained as a class action:

(1) The complaint shall bear next to its caption the legend, "Complaint-- Class Action."

(2) The complaint shall contain under a separate heading, styled "Class Action Allegations":

(a) A reference to the portion or portions of Rule 23 Fed.R.Civ.P., under which it is claimed that the suit is properly maintainable as a class action.

(b) Appropriate allegations thought to justify such claim, including, but not necessarily limited to:

1. The size (or approximate size) and definition of the alleged class,

2. The basis upon which the plaintiff (or plaintiffs) claims

(i) to be an adequate representative of the class, or

(ii) if the class is composed of defendants, that those named as parties are adequate representatives of the class.

3. The alleged questions of law and fact claimed to be common to the class, and

4. In actions claimed to be maintainable as class actions under subdivision (b)(3) of Rule 23, Fed.R.Civ.P., allegations thought to support the findings required by that subdivision.

(3) Within one hundred eighty days after the filing of a complaint in a class action, unless otherwise ordered by the court or provided by statute, the plaintiff shall move for a determination under Fed. R. Civ. P. 23(c)(1), as to whether the case is to be maintained as a class action. This period may be extended on motion for good cause. The court may certify the class, may disallow and strike the class allegations, or may order postponement of the determination pending discovery or such other preliminary procedures as appear appropriate and necessary in the circumstances. Whenever possible, where the determination is postponed, a date will be fixed by the court for renewal of the motion.

(4) The foregoing provisions shall apply, with appropriate adaptations, to any counterclaim or cross claim alleged to be brought for or against a class.

[Effective May 1, 1992; amended effective July 1, 1997; January 1, 2002.]